

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JAN -7 AM 11:00

08 MJ 0041
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Saul CASTELLON-Carrillo,

Defendant


Magistrate Docket No.

COMPLAINT FOR VIOLATION OF DEPUTYTitle 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

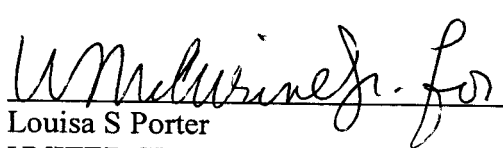
On or about **January 4, 2007**, within the Southern District of California, defendant, **Saul CASTELLON-Carrillo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF JANUARY 2008.



 Louisa S Porter
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Saul CASTELLON-Carrillo

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On January 4, 2008, Border Patrol Agent D. Hernandez was assigned line watch duties along the United States / Mexico International Boundary. At approximately 11:30 A.M., Agent Hernandez responded to a call from Senior Patrol Agent Q. Nguyen who had a visual of five individuals walking north in an area known as "Johnny Wolf's Draw." This area is located approximately 3 miles east of the Otay Mesa, California Port of Entry and approximately 1 mile north of the U.S. / Mexico International Boundary.

As Agent Hernandez arrived in the vicinity, Agent Nguyen, who was spotting with binoculars, guided Agent Hernandez towards the five individuals. Agent Hernandez approached the group and identified himself as a United States Border Patrol Agent and asked of which country they were citizens and nationals. All subjects replied "Mexico." Agent Hernandez asked each individual if they had any immigration documents that would allow them to be or remain in the United States legally. All five subjects, including one later identified as the defendant Saul CASTELLON- Carrillo, replied "No." At approximately 11:50 A.M. Agent Hernandez placed the five subjects under arrest. They were then transported to the Chula Vista Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on December 4, 2007, through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally.

Executed on January 5, 2008 at 10:00 A.M.

Ismael A. Canto

Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 4, 2008, in violation of Title 8, United States Code, Section 1326.

Louisa S. Porter

Louisa S. Porter
United States Magistrate Judge

1/5/08 10:10 A.M.

Date/Time